FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.71 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.G.M.Savagave for the Applicant.
Mrs. M.H.Mhatre, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 01/3/2006.

P.C.

1. This revision impugns an order dated 2.1.2006 passed by the III Addl. Sessions Judge, Sangli allowing the criminal revision application and for quashing and setting aside an order passed by the Executive Magistrate in Chapter Case No.233/2005 in which final order Under Section-145 of the Cr.P.C. came to be passed. On perusal of the order of the revisional court, it is seen that prior to the registration of the proceeding under Section 145, the present petitioner No.1 had filed a suit for partition and possession in

respect of the disputed property. The application for injunction in the said suit was made but according to the advocate for the petitioner ad interim relief was not pressed. On perusal of the impugned judgment and order, it appears that the court has taken precaution in holding that the order regarding restoration of the possession will have no bearing on the merits on the civil litigation pending in the civil court. It is open for the applicants to urgently move for interim relief in the civil litigation. Hence, I am not inclined to entertain this application. It is however, made clear that any application for grant of interim relief made in the civil suit will be considered on its own merits without being influenced by any order passed in proceeding U/s.145 of the Cr.P.C. Application is disposed off.

(R. S. MOHITE, J.)